

Before the  
Federal Communications Commission  
Washington, D.C. 20554

FILED/ACCEPTED  
DEC 22 2009  
Federal Communications Commission  
Office of the Secretary

In the Matter of )  
Data Sought on Uses of Spectrum ) GN Docket Nos. 09-47, 09-51, 09-137  
NBP Public Notice #26 )  
)

**COMMENTS OF THE WALT DISNEY COMPANY**

These comments are submitted on behalf of The Walt Disney Company and the ABC Owned Television Stations, which through subsidiaries own ten television stations in the following markets: New York, Los Angeles, Chicago, Philadelphia, San Francisco, Houston, Raleigh-Durham, Fresno, Flint, and Toledo. Disney also owns The ABC Television Network (again, through subsidiaries). These comments are being filed in response to the Broadband Public Notice seeking comment and data on the “use of spectrum currently licensed to broadcast television stations.”

These comments address a few specific questions raised in the Public Notice, in particular those that ask for detail on how broadcasters are using spectrum and for detail on data allocations for HD and SD streams broadcast over one 6 MHz spectrum allocation. In April 2009, the ABC Owned Stations Television launched a new programming network, entitled the Live Well HD Network, and which is broadcast as a multicast channel by the ABC Owned Television Stations (covering 24% of the country). The Live Well HD Network consists of *original* programming, created exclusively for the Live Well HD Network.

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Since launching in April 2009 with six ½ hour programs, Live Well HD has created over 150 original episodes. Examples of the Live Well HD Network programming include “Motion” (an outdoor/activity program), “Let’s Dish” (an Emmy-nominated cooking show about the joy of healthy cooking), and “Say Ahh...” (a program with expert health advice). Attached to these comments is a detailed description of the Live Well HD Network, as well as a DVD with clips of the Live Well programming.<sup>1</sup> In addition to Live Well HD programming, a number of the ABC Owned Television Stations also air local programming on their second DTV channel, including local sports (high school and college football, minor league baseball, and high school basketball), local public affairs, and election results. By way of example, WLS in Chicago will be hosting no less than six debates between candidates for various offices during next year’s primary election season and will be running them live on its second digital channel.<sup>2</sup> Based on Nielsen’s ratings, the audience for the ABC Owned Television Station’s multicast programming is growing. For example, in Houston, during the November 2009 sweeps period, more than of 8% of households tuned into KTRK’s second channel. And, in Los Angeles and Chicago, more than 5% of households tuned into KABC’s and WLS’ second channel. In addition to their programming on their second digital channel, the ABC Owned Television Stations also air AccuWeather (SD) as a third multicast channel.

Turning to the technological questions asked in the Public Notice, the ABC Owned Television Stations are able to broadcast a second HD program because they have adopted use of

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<sup>1</sup> The DVD is attached to the hand-delivered version of the filing.

<sup>2</sup> WLS will be hosting the debates in conjunction with League of Women Voters and the Better Government Association and the featured offices will be United States Senator, Illinois Governor and Cook County Council President. Because these are primary debates, the Republican and Democratic Parties will each have one debate per office. See Radio Business Report (Dec. 21, 2009, Volume 26, Issue #246).



ATSC encoding systems that employ Statistical Multiplexing. The Statistical Multiplexing algorithm analyses the complexity of pictures in all of the channels and allocates bits across all of program channels based on priorities assigned to each channel, taking bits from less complex pictures on Live Well HD and AccuWeather and making them available to the ABC Network program if required, and vice versa. The stations also carefully manage against having more than one channel's programming containing complex video at any single instance. For example, the stations generally do not schedule sports broadcasts on the main channel against a sports broadcast on the Live Well HD channel.

On a broader policy level, the Public Notice seeks comment on the impact to "public welfare" if the coverage of over-the-air broadcasting is diminished. In the view of the ABC Owned Stations, the impact on the public welfare would be substantial. The ABC Owned Television Stations' recent experience during the DTV transition is illustrative on this point. During the transition from analog to digital television, the ABC Owned Television Stations developed an even closer relationship with their viewers than they previously had. This is because the ABC Owned Television Stations conducted massive public awareness campaigns prior to the transition, including holding their own and attending many town hall meetings and participating in and conducting their own phone banks. After the transition date, the staffs of the ABC Owned Television Stations dealt with viewers one-by-one as the Stations responded to the thousands of phone calls to the stations complaining that viewers could no longer receive the programming on which they had come to rely. From this experience, it became evident that there is an important (and vocal) segment of the population that still depends on over-the-air reception.



Nielsen's latest numbers indicate that the number of over-the-air viewers is significant. According to Nielsen, as of November 2009, there are approximately 11.3 million over-the-air-only households in the United States and 2.3 million over-the-air-only households in the seven largest markets in which the ABC Owned Television Stations operate. Although many of these households may not currently own a high-definition television set, these over-the-air viewers can already enjoy multicast broadcasts. And, as the price of high definition television sets declines rapidly, these viewers may soon be able to enjoy full high-definition viewing as well. If the FCC were to reduce the amount of spectrum devoted to over-the-air digital broadcasts, these viewers would be disenfranchised from the full benefits of digital television.

The ABC Owned Television Stations continue to expend substantial resources to improve their digital transmission facilities so that they can reach all their former analog viewers. For example, in Chicago, WLS is in the process of an expensive and complicated phased transition from broadcasting on channel 7 to broadcasting on channel 45, in order to better reach its former analog over-the-air viewers. In other markets, the ABC Owned Television Stations similarly have expended resources to enter into cooperative arrangements with neighboring broadcasters so that the stations can better reach their former analog viewers. The ABC Owned Television Stations remain committed to serving their over-the-air viewers with *all* the benefits of their digital broadcast signals and respectfully submit that over-the-viewers should continue to have available to them the full benefits of the digital television transition. Therefore, Disney and the ABC Owned Television Stations strongly recommend that the National Broadband Plan refrain from recommending any television broadcast spectrum reduction or reallocation.

Respectfully submitted,



/s/ Susan L. Fox  
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Washington, D.C. 20024  
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December 22, 2009





# Live Well

H D N E T W O R K



# Live Well HD Content and Distribution

The Live Well HD Network launched in April 2009  
to deliver fresh, quality HD programming to viewers.

A destination where content, active viewers and your marketing message come together.  
An On-Air, Online and Wireless destination; High Definition conversations.  
360 degrees of content, information, participation, community.





# Live Well HD Content and Distribution

## Street Buzz!

**"I'm glad you show the programs more than once to meet my non-routine life."**

Carmelita B., Chicago, IL

**"Thoughtful answers to difficult questions..."**

Sally S., Beverly Hills, CA

**"Where can I order DVDs of these programs?"**

Paul, Los Angeles, CA

**"I can't wait to see what is next!"**

Benjamin, Chicago, IL

**"I appreciate authenticity. Keep it up, please."**

Maria P., King of Prussia, PA

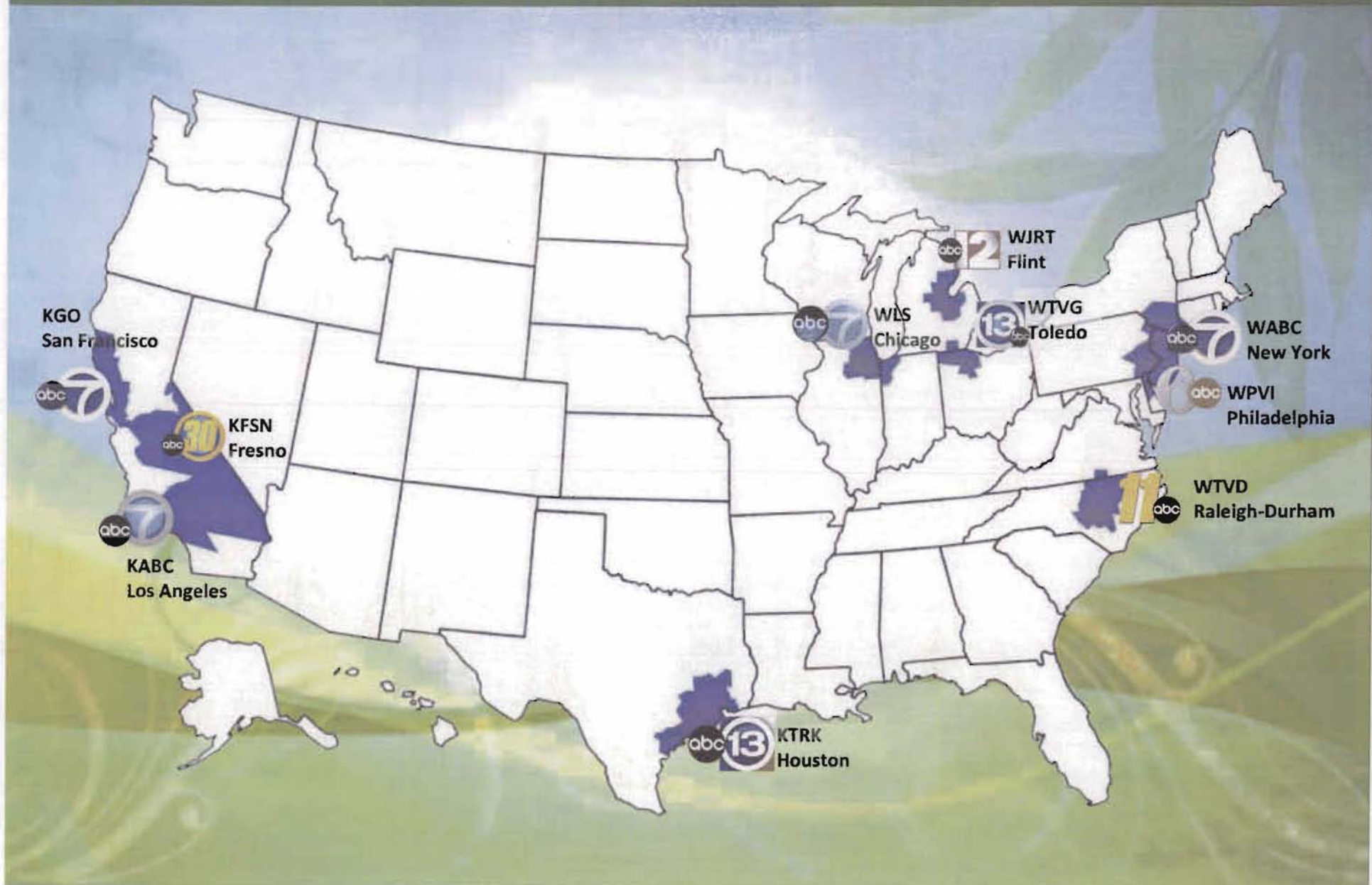
**"Thank you for quality TV..."**

T. Miller, North Hollywood, CA

The screenshot shows the Facebook profile for 'MOTION'. The header includes the Facebook logo and navigation links: Home, Profile, Friends, Inbox (5), and a 'Rich View' link. The profile picture is a blue and yellow graphic with the word 'MOTION' in a stylized font. Below the picture are links for 'Suggest to Friends' and 'Subscribe via SP65'. A text post from 'MOTION' is visible, stating: 'LA shoot next week postponed due to weather. We've rescheduled the shoot of the year, January 16th. Greg, Jeff and Dave head for Hawaii the big island! Can't wait! 14 hours ago'. Below the post are tabs for 'Wall', 'Info', 'Photos', 'Discussions', 'Reviews', and 'Videos'. A search bar with the placeholder 'Write something...' is present. A video post titled 'Zion National Park' with a length of 0:33 is shown, posted 44 minutes ago. Below the video are links for 'Comment', 'Like', and 'Share'. A comment section shows three comments: 'Kallidex Ball Can't wait to see the whole show! 5 days & counting. 19 hours ago · Reply', 'Sara Huston Am looking forward to this one. 2 hours ago · Reply', and a 'Write a comment...' prompt.



## 24% U.S. Coverage for ABC Owned Station Markets





# Live Well HD Programming

The Live Well HD Network successfully launched April 2009 with six 1/2 -hour programs. Since then, we have created over 150 original episodes, some of which are local Emmy nominees!



Click on any show to jump to that page, or click [here](#) to watch a video overview.



## Live Well HD Sample Schedule

Starting 1/11/10

[illegible]

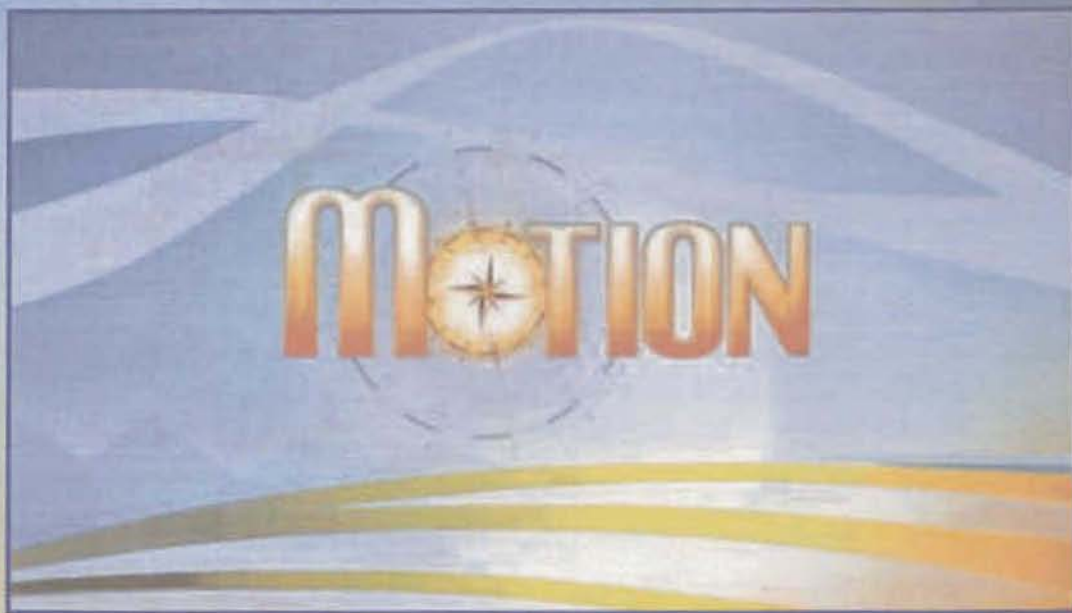


# MOTION

Outdoor/activity program.  
encourages viewers to get off the  
couch  
and experience the great outdoors  
without going to extremes.

- Experienced adventure guide Greg Aiello hosts
- Empowers viewers to try something new – fun, easy-to-do outdoor activities
- Expert advice info about gear, food, exercise
- Stunning photography, easy-to-watch style, step-by-step graphics to make the outdoor experience exhilarating, safe and fun
- Show explores mountain biking, kayaking, bird-watching, hiking, camping, snowmobiling, cross-country skiing as well as outdoor photography, backyard garden and more.

Produced by KFSN-TV/.com



## Integration Opportunities



The talent can wear  
your apparel and  
show off your gear



The talent can  
drive your car



The talent can go to  
your destinations, or  
use your travel services



# MIRROR MIRROR

Beauty show, inside and out.  
A fast-paced multi-segment that tackles everything that will improve your outlook.

•Fashion trends and insider secrets: the best in make-up, hair, skincare and beauty tips, medical breakthroughs that affect how you look and feel, anti-aging therapies; what works and what doesn't, cutting-edge plastic surgery and body-savvy diet and exercise routines that can make you look years younger.

Specific shows look at:

- No Knife Eye Lift
- Best Jeans for your butt
- Top 10 Fashion Must-Haves on a Budget
- Foods for Super Skin
- From Frumpy to Fabulous
- Strike a Pose: Look great in photos



## Integration Opportunities



**Cosmetic Corner:**  
The talent can showcase your beauty products.



**The Jeans Scene:**  
A segment can help viewers pick the style of your brand of jeans to fit their body best.



**Workout Wonderwear:**  
Your clothing line can be featured during workout featurettes





MOTION

MIRROR MIRROR

LET'S DISH

HOME WITH  
LISA QUINN

ADVICE FOR LIFE

SAY AHH!

GOTTA KNOW

EVERYDAY LIVING

MARY  
TALKS MONEY

SAVE MY PLANET

MEXICO: ONE  
PLATE AT A TIMEMY GREEN  
HOUSE

# LET'S DISH

Delicious and Healthy Lifestyle.  
A renowned chef serves up tantalizing  
dishes that make it easy for you  
and your family to eat right.

- From main courses to deserts to munchies, "Let's Dish" will show you how to cook things that are good for body, mind and soul—and have fun doing it.

- Each week viewers will experience the joy of cooking healthy. Our motto: "You never have to sacrifice delicious in order to be healthy!"

Produced by WLS-TV/.com



## Integration Opportunities



Cook With Style,  
Cook With [Your Brand]!  
Be an integral part  
of the delicious  
featured recipes.



Outfit our kitchen with  
your hottest appliances!



Set The Table and  
Entertain Your Guests  
Before and after the  
meal,  
your products  
can be featured!



# HOME WITH LISA QUINN

Expert advice on home improvement.

A decorating how-to show that keeps both high design and your pocket book in mind

- Inexpensive but stylish decorating solutions.
- Simple projects around the house to improve home and lifestyle.
- Room makeovers and overhauling outdoor spaces.
- Tips on cleaning, recycling, decorating, holiday table settings, etc.
- Tackling a home renovation or staging for resale.

Produced by KGO-TV/.com



## Integration Opportunities



This show is furnished by... [Your Brand]!



Color Me [Your Brand]:  
Paint, Carpet, Walls—yours!



Plug In [Your Brand]:  
Turn a house into a hi-tech home with your innovative electronics equipment.





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# ADVICE FOR LIFE

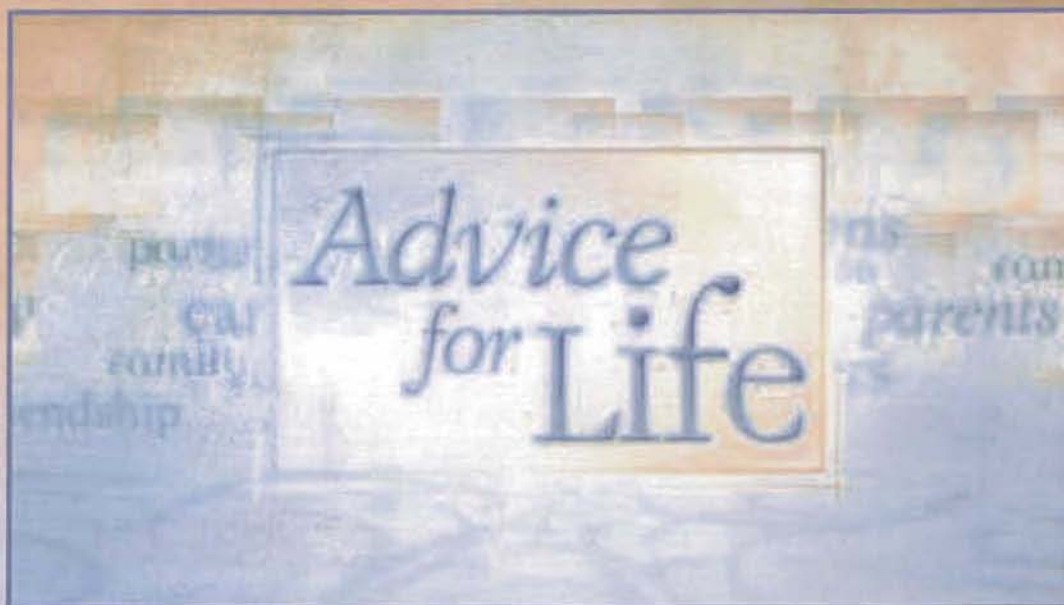
Interactive "Life Coach" advice  
show.

Today, coaching plays an important  
role in human development.  
This is your answer to personal  
growth and overall satisfaction.

## Featured Topics include:

- Stress Management
- Personal Empowerment
- Spirituality
- Emotional Intelligence
- Self-Mastery
- Balance

Produced by KABC-TV/.com



## Integration Opportunities



Investment Assessment,  
featuring your  
Financial Institution's  
expert advice.



Destination: Uplift  
Showcase how your  
Travel and Leisure  
company increases  
Quality of Life



Reboot Yourself:  
Using your company's  
computer technology to  
simplify viewers' lives.





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# SAY AHH...

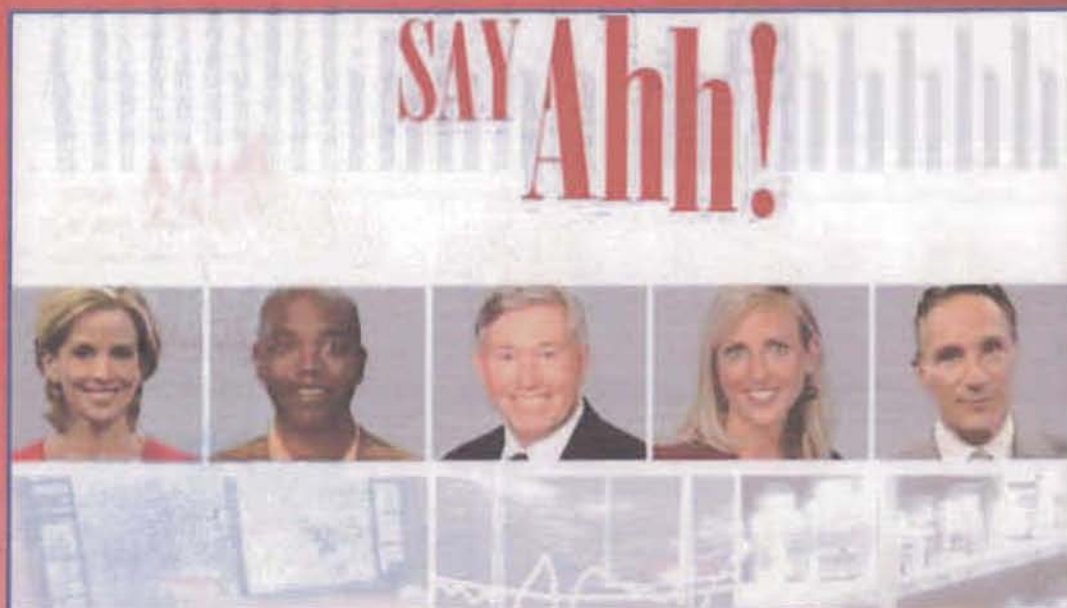
Health know-how in a heart beat.  
Become informed and enlightened via  
expert advice and compelling stories.

- Whether you're concerned about digestion or want to know more about depression, **Say AHH...** has the answers. It's a great guide to everything health.

## Featured Topics include:

- Allergies and Asthma
- Bones and Joints
- Cancer
- Early Childhood Screening
- Eating for a Healthy Heart
- Blood Pressure Readings

Produced by Answers Media  
in association with WLS-TV/.com



## Integration Opportunities



Your financial or insurance company can share information on how to get the most money out of your health budget



Medical Marvels with  
[Your Brand]



Nutrition Nation—  
Your healthy food  
brands show the way  
to a better life.





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# GOTTA KNOW.

Gotta Know is a weekly half hour show  
debuting on Live Well HD in January.

It's geared toward anyone whose life has been  
touched by technology....in other words, *everyone*.

From the millennial that eats and breathes all things digital to the baby boomer that may be ipod challenged this is a show where you'll get the low down on high tech and what's cutting edge but without the intimidation factor. **Gotta Know** is about making technology accessible....even fun! Those more Geek-inclined will want to hear about the latest gadgets and gizmos coming online while the soccer mom can find out how technology can help her with the kid's homework and get her out of the grocery store faster.

Fashion, Entertainment, Business, Medicine, Shopping, Sports, Aging, Cooking, Travel... you name it and **Gotta Know** will shed the spotlight on all the new gadgets, programs, applications and products that impact our everyday lives. We'll have interactive chats via skype, demos, interviews and a taste of technology's wackier side with some off the wall inventions that are sure to be the talk around the water-cooler.



## Integration Opportunities



Gotta share  
your brand!



Gotta show off  
your latest products!



Gotta great design?





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# SAVE MY PLANET

Reducing Our Carbon Footprint.  
Learn how to embrace a "green"  
lifestyle.

•Get great advice from the experts.  
Learn how to live green and stay green.

## Featured Topics include:

- Going Green in an Urban Environment
- Teaching Kids About Green Choices
- Energy Efficiency
- One Person Can Make a Difference

Produced by Answers Media  
in association with WLS-TV/.com

# SAVE MY PLANET

## Integration Opportunities

**GO GREEN**

Show how your brand  
can help green a home.



Feature eco-friendly  
products.



Capitalize on green  
décor in the home.





MOTION

MIRROR MIRROR

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# MARY TALKS MONEY

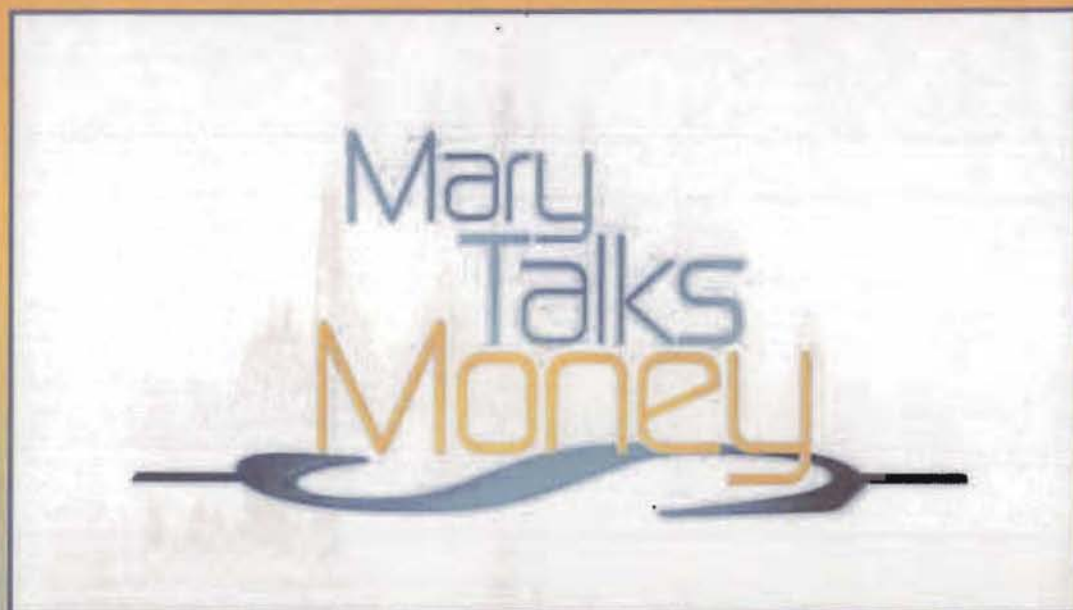
Financial smarts for everyone.

When money matters, Mary Talks Money is here to help consumers better understand how to gain financial control of their future

Money is your guide to financial freedom. Weather your concerned about teaching your kids about money or getting yourself out of credit card debt Mary Talks Money is your answer to money management at its finest.

## Featured Topics Include:

- Kids Money Management
- Friends and Money
- Credit Card Tips
- Coupons
- Shopping Smart



## Integration Opportunities



Get in touch with the online consumer and show them how to be more savvy with your brand



Show buyers where to spend their money



Capitalize on your brands coupons, where they are featured and more



# Mexico One Plate At A Time

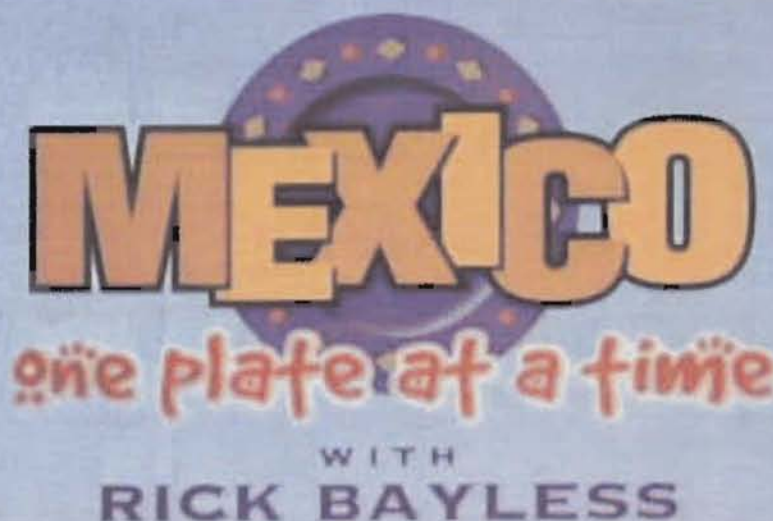
Delicious Mexican inspired meals.  
Celebrate Cinco de Mayo everyday.

•Rick Bayless, the famous chef of Frontera Grill and Topolobampo in Chicago will bring Mexico to you! Rick dishes on his favorite spice pastes, chili, and how to use all the ingredients that make a Mexican meal delicious. Tune in to Mexico One Plate At A Time and create a Mexican meal right in your own home.

## Featured Topics include:

- Gourmet Mexican Drinks and Beverages
- Authentic Mexican Products
- Mexican Spices and herbs
- The Flavors of Mexico
- Healthy Mexican Recipes

Produced by Frontera Productions



## Integration Opportunities (online only)



Feature your brand  
of kitchen products



Showcase your brand  
of food in a recipe



Feature your products  
in a recipe.





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# Everyday Living

Your Guide To A Green Living.  
Check out these Green Living  
resources

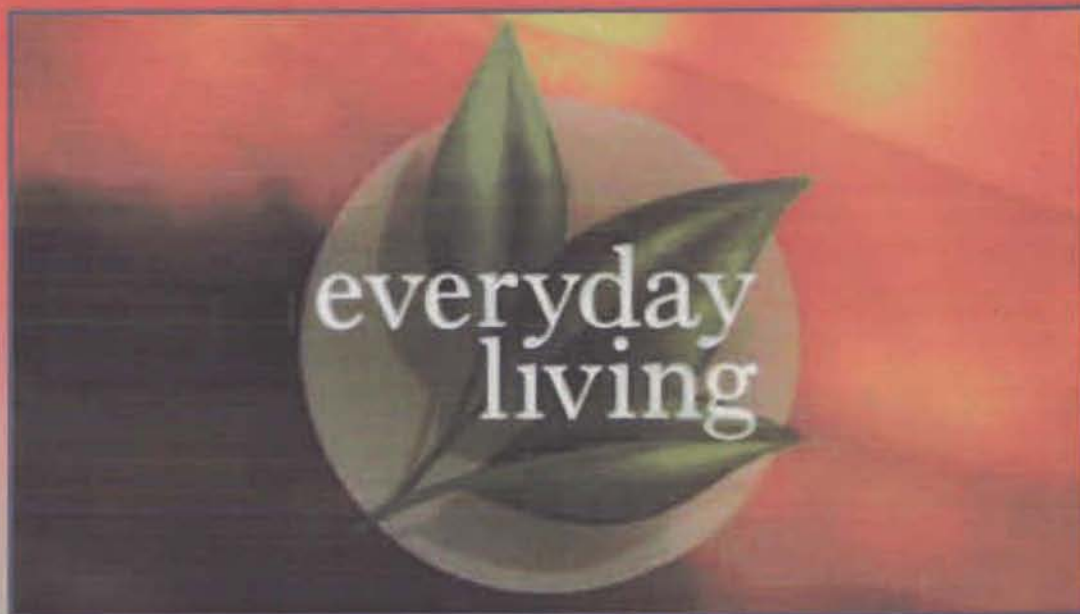
to help keep you become eco-friendly.

- Whether you're grocery shopping or fixing up your house Everyday Living is your guide to making green-friendly decisions.

## Featured Topics include:

- The Future of Food
- Rainwater Harvesting
- Product Purchasing

Produced by KGO-TV/.com



## Integration Opportunities



Feature your brand of  
organic products.



Have the host drive your  
eco-friendly car.



Feature your brand  
of home products as  
being energy savers.





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PLATE AT A TIME

MY GREEN  
HOUSE

# My Green House

Saving the planet  
one house at a time.

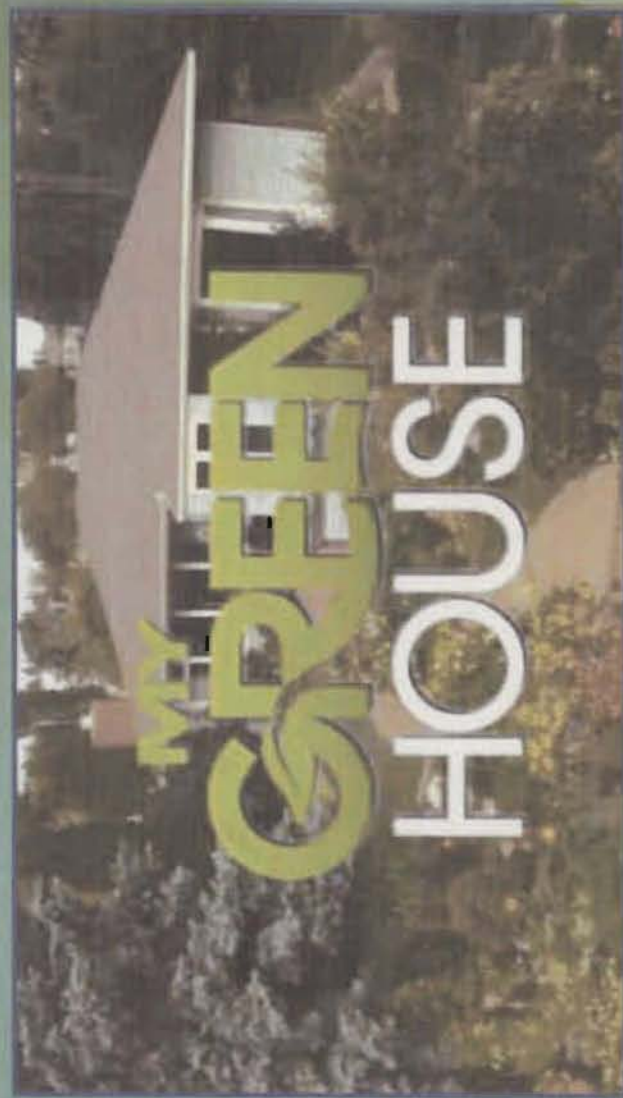
An environmentally friendly home  
refitting and lifestyle show.

• Let the Green team show you how to make  
better green choices.

## Featured Topics include:

- Energy Efficient furnaces
- Solar Water Heaters
- Mowing the Lawn
- Recycling
- Solar Panels
- Green Meals

Produced by Program Partners



## Integration Opportunities (online only)



Feature your green  
cleaning products.



Show viewers that  
your brand has the  
energy star label



Your green brands  
will help to make  
gardens more green  
than they already are.





Thank you!



DOCKET NO. 09-47, 09-81, 09-137

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